

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANA D. RODRÍGUEZ-ORTEGA
NANCY VÉLEZ-RODRIGUEZ

Plaintiffs

vs

PHILIP MORRIS, INC.
PHILIP MORRIS COMPANIES, INC.

Defendants

CIVIL 03-1529CCC

O R D E R

Having considered plaintiffs' Motion for Voluntary Dismissal (**docket entry 105**) the Court finds that at this advanced stage of the case, to allow plaintiffs to dismiss without prejudice is unconscionable.

Plaintiffs essentially admit that they are forum shopping. Not satisfied with the decisions of this District and the First Circuit Court of Appeals, they seek to do what is tantamount to a removal to local courts, where the recent federal decisions are not binding (Paragraph 1). There "all motions which are pending will remain pending in the subsequent case" (Paragraph 5) and "local substantive law will be more readily adhered to" (Paragraph 3).

We also note that what remains in this case is before us pursuant to diversity jurisdiction. Accordingly, the Motion for Voluntary Dismissal, without prejudice, is DENIED.

SO ORDERED.

At San Juan, Puerto Rico, on September 8, 2005.

S/CARMEN CONSUELO CEREZO
United States District Judge